

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31612 of 2016

and

W.M.P.Nos.27438 & 27439 of 2016

S.Sankaraman

..Petitioner

Vs.

1.The Transport Commissioner,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Revenue Officer,
Tanjore 612 001.

3.M/s.Hindustan Petroleum Corporation Ltd.,
Rep. by its Senior Regional Manager,
No.90, Second Floor,
MDSR Enclave,
Bharathidasan Road,
Cantonment, Trichy - 620 001.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the proceedings in R.No.59574/M5/2016 dated 17.08.2016 issued by the first respondent and quash the same.

For Petitioner : Mr.N.R.Chandran, Senior Counsel

For Mr. R.Kannan

For R 1 : Mr.R.Kannan

For R 2 : Mrs.A.Srijayanthi,
Special Govt. Pleader

For R 3 : Mr.M.Vijayan

O R D E R

The learned Senior Counsel appearing on behalf of the writ petitioner, made a submission that the order passed by the first respondent/Appellate Authority is not only non-speaking mere the reproduction of the grounds raised by the respective parties

before the Appellate Authority.

2.The learned Senior Counsel is of an opinion that the grounds raised were not adjudicated by providing opportunity to the respective parties. The appellate authority is duty bound to adjudicate the grounds raised by the parties and to provide findings to that effect. The order must contain reason for arriving the conclusion. However, the present impugned order passed by the appellate authority is not so and the appellate authority had not applied his mind in respect of the merits and demerits of the grounds raised by the respective parties before the authorities concerned.

3.At the outset, the grievances of the writ petitioner is that there was no appropriate adjudication by the appellate authority, who is exercising the quasi judicial powers.

4.The learned counsel appearing on behalf of the third respondent though opposed the contentions raised on behalf of the writ petitioner, was unable to dispute the fact that the order impugned is the reasoned one. The learned counsel is of an opinion that the appellate authority has remanded the matter back and therefore, no intervention in respect of the appellate order is required and the writ petitioner can adjudicate all the grounds raised before the original authority. The learned counsel is of the similar opinion that the first respondent has remitted the matter back to the original authority and it is left open to the writ petitioner to adjudicate the issues before the original authority and accordingly, the writ petition deserves to be rejected.

5.Considering the arguments as advanced by the learned Senior Counsel on behalf of the petitioner as well as the learned counsel appearing on behalf of the third respondent and the learned Special Government Pleader, this court is of an opinion that that the appellate authority while exercising the powers of the quasi judicial functioning they have to adjudicate the grounds raised by the respective parties and appropriate reasons are to be given. The reasons for arriving the conclusion must be provided in the order. However, on perusal of the impugned order, the authority has reproduced the grounds raised by the respective parties and came to the conclusion that it is a fit case for remittance. Such an order cannot be accepted and even for remitting the matter back, appropriate reasonings must be provided. In the absence of the above aspects, the appellate authority cannot send back the matters to the original authority for readjudication. The responsibilities lie on the appellate authority to adjudicate the matter on merits in all respects for providing clear findings for arriving the conclusion. In the absence all these aspects, the order passed cannot be sustained

at all.

6.In this view of the matter, the order passed by the first respondent in proceedings dated 17.08.2016 is quashed. The appeal filed by the third respondent before the first respondent is restored. The first respondent is directed to adjudicate the issues in all respects by affording reasonable opportunity to the parties concerned on merits and in accordance with law, and pass orders within a reasonable period of time, and preferable within a period of 12 weeks from the date of receipt of a copy of this order.

7.Accordingly, this writ petition stands allowed. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

may
To

- 1.The Transport Commissioner,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 2.The District Revenue Officer,
Tanjore 612 001.
3. Senior Regional Manager,
M/s.Hindustan Petroleum Corporation Ltd.,
No.90, Second Floor,
MDSR Enclave,
Bharathidasan Road,
Cantonment, Trichy - 620 001.

+1 CC to M/s. King and Partridge, sr 40530.
+3 Ccs to Mr.R. Kannan, Advocate sr 41237.
+1 CC to Govt. Pleader sr 41419.

W.P.No.31612 of 2016

SP(09/07/2018)